HIGH COURT OF UTTARANCHAL AT NAINITAL

A.O. No. 262 of 2004 (MS)

State of Uttaranchal ..... Petitioner

Versus

Keshar Das ..... Respondents

Sri Bupendra Singh, Advocate, Standing Counsel for the petitioner
Sri Rakesh Thapliyal, Advocate for the respondents.

Dated: 10.8.2004

Hon. Rajesh Tandon J.

Heard the learned counsel for the parties.

Present appeal has been filed against the order dated 31.7.2004 passed by the Additional District Judge II, Udham Singh Nagar in O.S. No. 70 of 2004, whereby the application for ad interim injunction was allowed.

Briefly stated the facts giving rise to the present writ petition are that respondent has filed a suit in the Court of Additional District Judge II, Udham Singh Nagar for temporary injunction restraining the defendants from making any interference for taking the woods of the trees cut down by the plaintiff respondent. The plaintiff has filed an application under Order 39 Rule 1 for ad interim injunction. The trial Court has allowed the application vide order dated 31.7.2004 and ad interim injunction was granted in favour of the plaintiff with the

direction that plaintiff shall file an indemnity for Rs.two lakh in the Court.

Counsel for the petitioner has submitted that On the basis of survey report conducted by S.D.M. Rudrapur, the trial court has held that the trees are standing on plot no. 60/1/1 and the plaintiff is the owner and Bhumidhar of the said land. It was further submitted that all the trees are of eucalyptus and there is no need to obtain any permission of cutting the said trees.

The learned Additional District Judge has rightly granted ad interim injunction in favour of the plaintiff. I find no infirmity in the order passed by the trial Court.

In view of the above, the appeal is dismissed. No order as to costs.

(Rajesh Tandon J.)

10.8.2004

*Dhyani